

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

MEEGHAN CARTER, Individually,)
and as Administratrix of the Estate of)
MARGARET RACKERBY FLINT,)
Decedent,)

Plaintiff,)

v.)

C.A. No. N17C-05-353 MMJ

MICHAEL PRINCIPE, D.O., ERIC)
JOHNSON, M.D., and CHRISTIANA)
CARE HEALTH SERVICES, INC.,)

Defendant.)

Submitted: June 6, 2017

Decided: June 20, 2017

Upon Defendant Michael Principe, D.O.'s
Request to Determine if the Affidavit of Merit
Complies with *18 Del. C. §§ 6853(a)(1) and (c)*

ORDER

Section 6853(a)(1) of title 18 of the Delaware Code provides that all healthcare negligence complaints must be accompanied by an affidavit of merit as to each defendant signed by an expert witness, accompanied by a current *curriculum vitae* of the witness, stating that there are reasonable grounds to believe that there has been healthcare medical negligence committed by each defendant.

In this case, two affidavits of merit were filed under seal, as required.

Pursuant to 18 *Del. C.* § 6853(d), Defendant Michael Principe, D.O., requested *in camera* review to determine compliance with sections 6853(a)(1) and (c). The Court has reviewed the affidavits of merit and the accompanying *curriculum vitae*. The Court finds:

1. Two affidavits are signed by expert witnesses.
2. Both affidavits are accompanied by a current *curriculum vitae*.
3. The affidavits set forth each expert's opinion that there are reasonable grounds to believe that the applicable standard of care was breached by each named defendant.
4. The affidavits set forth each expert's opinion that there are reasonable grounds to believe that specifically enumerated breaches by each defendant proximately caused the injuries claimed in the complaint.
5. Both expert witnesses were licensed to practice medicine as of the date of each affidavit.
6. In the 3 years immediately preceding the alleged negligent act, the expert witnesses were engaged in the treatment of patients and/or in the teaching/academic side of medicine in the fields of Orthopaedic Surgery and General Vascular Surgery.

7. The expert witnesses are board-certified. One in Orthopaedic Surgery and the other in General Vascular Surgery.

THEREFORE, the Court having reviewed *in camera* the affidavits of merit and accompanying *curriculum vitae* of plaintiff's expert witnesses, the Court finds that the affidavits of merit comply with sections 6853(a)(1) and (c) of title 18 of the Delaware Code.

IT IS SO ORDERED.



The Honorable Mary M. Johnston